

[Cite as *Manogg v. Wisniewski*, 2012-Ohio-3702.]

COURT OF APPEALS
LICKING COUNTY, OHIO
FIFTH APPELLATE DISTRICT

PHILIP S. MANOGG

Defendant-Appellant

-vs-

MINDY WISNIEWSKI

Plaintiff-Appellee

JUDGES:

Hon. W. Scott Gwin, P.J.
Hon. William B. Hoffman, J.
Hon. Julie A. Edwards, J.

Case No. 12-CA-38

OPINION

CHARACTER OF PROCEEDING:

Appeal from the Licking County Municipal
Court, Case No. 05 CVI 00849

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

August 14, 2012

APPEARANCES:

For Defendant-Appellant

For Plaintiff-Appellee

PHILIP S. MANOGG, PRO SE
c/o P.O. Box 855
Newark, Ohio 43058-0855

MINDY WISNIEWSKI
107 Rolling Meadow Court
Pickerington, OH 43147

Hoffman, J.

{¶1} Defendant-appellant Philip Scott Manogg appeals the April 10, 2012 Judgment Entry entered by the Civil Division of the Municipal Court of Licking County, which found he had been properly served in the underlying action. Plaintiff-appellee is Mindy Wisniewski.

{¶2} Appellee did not file a reply brief in this appeal. Pursuant to App.R. 18(C), this Court accepts Appellant's statement of the facts and issues as correct.¹

{¶3} This case comes to us on the accelerated and is calendar and is governed by App.R. 11.1, which states the following in pertinent part:

{¶4} "(E) Determination and judgment on appeal

{¶5} "The appeal will be determined as provided by App. R. 11.1. It shall be sufficient compliance with App. R. 12(A) for the statement of the reason for the court's decision as to each error to be in brief and conclusionary form.

{¶6} The decision may be by judgment entry in which case it will not be published in any form.

{¶7} We dismiss Appellant's appeal for lack of a final appealable order. Our reason follows.

{¶8} In its Judgment Entry dated April 10, 2012, after finding Appellant had been properly served, the trial court scheduled an oral hearing on Appellant's motion for relief from judgment to be held May 21, 2012. Appellant filed his Notice of Appeal on May 4, 2012, and requested a continuance of the trial court hearing. The trial court granted Appellant's request.

¹ For a statement of the case, see this Court's Opinion in *Wisniewski v. Manogg*, 2012-Ohio-1081.

{¶9} Because the trial court entry does not determine Appellant's motion for relief from judgment nor prevent Appellant relief thereunder, we find this Court lacks jurisdiction pursuant to R.C. 2505.02.

{¶10} Appellant's appeal is ordered to be dismissed.

By: Hoffman, J.

Gwin, P.J. and

Edwards, J. concur

s/ William B. Hoffman
HON. WILLIAM B. HOFFMAN

s/ W. Scott Gwin
HON. W. SCOTT GWIN

s/ Julie A. Edwards
HON. JULIE A. EDWARDS

IN THE COURT OF APPEALS FOR LICKING COUNTY, OHIO
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PHILIP S. MANOGG

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-vs-

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Plaintiff-Appellee

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JUDGMENT ENTRY

Case No. 12-CA-38

For the reason stated in our accompanying Opinion, this appeal is ordered dismissed. Costs assessed to Appellant.

s/ William B. Hoffman
HON. WILLIAM B. HOFFMAN

s/ W. Scott Gwin
HON. W. SCOTT GWIN

s/ Julie A. Edwards
HON. JULIE A. EDWARDS